



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OCT 18 2011

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-127

**Certified Mail Number 7010 2780 0000 2171 5852
Return Receipt Requested**

Ms. Serena Lewellyn
Flint Hills Resources Alaska, LLC
1100 H&H Lane
North Pole, Alaska 99705

Re: **NOTICE OF VIOLATION**
Flint Hills Resources Alaska, LLC
North Pole Refinery
EPA ID Number AKD 00085 0701

Dear Ms. Lewellyn:

This Notice of Violation (NOV) is to inform Flint Hills Resources Alaska, LLC of violations of the Resource Conservation and Recovery Act, as amended (RCRA). These violations were identified as a result of an inspection performed by the U.S. Environmental Protection Agency (EPA) on June 13, 2011, at the Flint Hills Resources Alaska, LLC, North Pole Refinery, located at 1100 H&H Lane, North Pole, Alaska. The inspection was performed pursuant to EPA inspection authority under Section 3007 of RCRA 42 U.S.C. § 6927.

From the observations made during the inspection, the following RCRA violations were identified at your facility:

Violation 1: Failure to appropriately mark containers of universal waste lamps

The regulation at 40 C.F.R. § 273.14(e) requires that each container of universal waste lamps be labeled or marked clearly with one of the following phrases: "Universal Waste Lamps," "Waste lamps," or "Used Lamps."

During the inspection, the EPA inspector observed ten cardboard boxes containing lamps being managed as universal waste. These boxes were not marked with the words "Universal Waste." Failure to properly mark containers of universal waste is a violation of 40 C.F.R. § 273.14(e).

Prior to the inspector leaving the facility, the ten boxes were properly labeled with the words "Universal Waste." Therefore, this violation has been corrected.

Violation 2: Failure to be able to demonstrate the length of time universal waste has been accumulated

The regulation at 40 C.F.R. § 273.15(c) requires that generators of universal waste be able to demonstrate the length of time that a universal waste has been accumulated from the date it became a waste.

During the inspection, the EPA inspector observed ten cardboard boxes containing lamps being managed as universal waste. The boxes were not marked with accumulation start dates and the facility did not have a record of when accumulation began. Failure to be able to demonstrate the length of time that a universal waste has been accumulated from the date it became a waste is a violation of 40 C.F.R. § 273.15(c).

Prior to the inspector leaving the facility, the ten boxes were properly marked with the accumulation start dates. Therefore, this violation has been corrected.

No Further Action Required

Flint Hills Resources Alaska, LLC addressed and corrected the violations during the inspection, and sent a follow-up email containing photos of the corrections on June 17, 2011. Therefore, no further action is necessary.

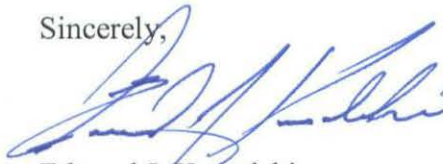
EPA Reservation of Rights

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority.

It continues to be your responsibility to ensure that all aspects of your operation are conducted in accordance with all applicable federal, state, and local requirements notwithstanding receipt of this letter.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Kristin McNeill of my staff at 206-553-6291 or mcneill.kristin@epa.gov.

Sincerely,



Edward J. Kowalski
Director

cc by email: Brian Jackson
Alaska Department of Environmental Conservation